

State of Arizona  
House of Representatives  
Forty-sixth Legislature  
Second Regular Session  
2004

CHAPTER 137

**HOUSE BILL 2134**

AN ACT

AMENDING TITLE 49, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 9; RELATING  
TO NATURAL GAS STORAGE FACILITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 49, Arizona Revised Statutes, is amended by adding chapter 9, to read:

CHAPTER 9

NATURAL GAS STORAGE FACILITIES

ARTICLE 1. GENERAL PROVISIONS

49-1301. Definition

IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES, "NATURAL GAS STORAGE FACILITY" MEANS A FACILITY THAT IS EITHER UNDERGROUND OR ABOVE GROUND WITH A CAPACITY OF AT LEAST FIVE HUNDRED THOUSAND CUBIC FEET AND THAT IS USED PRIMARILY FOR THE STORAGE OF NATURAL GAS, EXCLUDING LIQUEFIED NATURAL GAS.

49-1302. Natural gas storage facilities; limitation

A NATURAL GAS STORAGE FACILITY SHALL NOT BE LOCATED WITHIN A COUNTY WITH A POPULATION OF MORE THAN ONE MILLION FIVE HUNDRED THOUSAND PERSONS, IF THE FACILITY IS LOCATED WITHIN NINE MILES OF AN ACTIVE DUTY MILITARY AIR FORCE BASE THAT HAS PILOT TRAINING AS ITS PRIMARY MISSION.

49-1303. Exemption of political subdivisions

THE PROVISIONS OF THIS CHAPTER ARE CUMULATIVE AND SUPPLEMENTAL AND DO NOT APPLY TO A POLITICAL SUBDIVISION THAT BY ORDINANCE OR RESOLUTION HAS ADOPTED PROVISIONS RESTRICTING NATURAL GAS STORAGE FACILITIES THAT ARE AT LEAST AS STRINGENT AS THE RESTRICTIONS IN THIS CHAPTER.

Sec. 2. Findings

The legislature finds that a natural gas storage facility shall not be located within a county with a population of more than one million five hundred thousand persons if the facility is located within nine miles of an active duty military air force base that has pilot training as its primary mission. The legislature also finds that these facilities are presumptively primarily used for activities that are subject to state regulation as provided by 49 United States Code 60104c given the dramatic increase in the number of electrical generating facilities, alternative fuel uses and the population of Arizona.

The legislature further finds that the operation of Luke Air Force Base is essential to the preparation of pilots for the national defense of our country. It is one of the few, if only, sites in the United States where geography, weather, training mission and accessible bombing ranges provide the best possible training for advanced tactical fighter training. The legislature also finds that a great deal of the economy in central Arizona is built upon, and dependent upon, Luke Air Force Base. The legislature finds that the economy would suffer a significant loss if the missions at Luke Air Force Base were terminated.

The legislature additionally finds that the continental base evaluation process under the federal government will look to the protective provisions made to protect military bases. Finally, the legislature finds that in the view of security concerns and safety concerns, a buffer must be established

1 around the perimeter of Luke Air Force Base from certain activities in order  
2 to preserve the integrity of the base.

3 Therefore, the legislature declares that it is essential that certain  
4 industrial activities including the storage of high volumes of natural gas  
5 be separated from the boundary of Luke Air Force Base in order to remove the  
6 terrorist threat and to remove any threat relating to safety. The proposed  
7 buffer zone was established through discussions with Luke Air Force Base.

8 The legislature further declares that the restrictions contained in  
9 this legislation are meant to apply only to Luke Air Force Base because of  
10 the unique circumstances that exist at Luke Air Force Base and are not  
11 intended to apply to other locations in Arizona.

12 Sec. 3. Emergency

13 This act is an emergency measure that is necessary to preserve the  
14 public peace, health or safety and is operative immediately as provided by  
15 law.

APPROVED BY THE GOVERNOR APRIL 23, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 23, 2004.

Passed the House March 15, 2004,

Passed the Senate April 13, 2004,

by the following vote: 50 Ayes,

by the following vote: 30 Ayes,

8 Nays, 2 Not Voting  
With Emergency  
Jake Flake  
Speaker of the House

0 Nays, 0 Not Voting  
With Emergency  
Klu Blunth  
President of the Senate

Norman L. Moore  
Chief Clerk of the House

Chaimin Bellinger  
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

H.B. 2134

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

April 19, 2004

by the following vote: 52 Ayes,

3 Nays,

5

Not Voting

With Emergency

Jake Flabe

Speaker of the House

Norman L. Moore

Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

19th day of April, 2004

at 2:30 o'clock p. M.

Jennifer Uparra  
Secretary to the Governor

Approved this 23 day of

April, 2004

at 2<sup>00</sup> o'clock P. M.

J. Noyak  
Governor of Arizona

H.B. 2134

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 23 day of April, 2004

at 3:05 o'clock P. M.

Janice K. Brewer  
Secretary of State